

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**LEONARD LUCERO,**

**Plaintiff,**

**v.**

**No. 13-cv-0684 MCA/SMV**

**NEW MEXICO CORRECTIONAL  
FACILITY, ET AL.,**

**Defendants.**

**ORDER**

This matter is before the Court sua sponte. By Order entered on August 29, 2013, the Court granted Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 2]. According to the docket, Plaintiff was released and then subsequently returned to custody. Because Plaintiff is again incarcerated, the Court will require him to submit an amended IFP application with current financial information. *See Holmes v. Hardy*, 852 F.2d 151, 153 (5th Cir. 1988), *quoted in Scherer v. Kansas*, 263 F. App'x 667, 669 (10th Cir. 2008) ("[A]n application to proceed in forma pauperis should be evaluated in light of the applicant's present financial status."). Failure to comply with this Order may result in dismissal of the complaint.

IT IS FURTHER ORDERED that, within fourteen (14) days from entry of this Order, Plaintiff submit an amended IFP application with current financial information to allow calculation of an initial partial payment toward the filing fee; and the Clerk is directed to mail to Plaintiff a § 1915 application with a copy of this order.



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UNITED STATES MAGISTRATE JUDGE